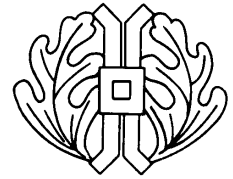


# PREVENTIVE LAW SERIES

## RENTING - HABITABILITY & REPAIRS



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### Landlord's responsibilities

When a landlord rents a unit to a tenant, the unit must be in a habitable condition (fit to live in). If the unit becomes uninhabitable, the landlord must repair the damage or problems unless the damage has been caused by the tenant, his guests, children, or pets. The following is list that units should have in order for the unit to be habitable:

- a. Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors;
- b. Plumbing facilities in good working order, including hot and cold running water, connected to a sewage disposal system;
- c. Gas facilities in good working order;
- d. Heating facilities in good working order;
- e. An electrical system which is in good working order with at least 2 outlets, or 1 outlets, or 1 outlet and 1 light fixture, in every room. Common stairs and hallways must be lighted at all times;
- f. Clean and sanitary buildings, grounds and appurtenances (detached garage or garden) which are free from debris, filth, rubbish, garbage, rodents, and vermin;
- g. Adequate trash receptacles in good repair;
- h. Floors, stairways, and railings in good repair;
- i. A working toilet, wash basin, and bathtub or shower. The toilet and bathtub/shower must be in a room that is ventilated and allows for privacy;
- j. A kitchen with a sink, which cannot be made of an absorbent material;
- k. Natural lighting in every room through windows or skylights. Unless there is a ventilation fan, the windows must be able to open at least halfway;
- l. Safe fire or emergency exits leading to a street or hallway; and
- m. Smoke detectors in all dwellings with more than one unit, and in common stair wells in apartment complexes.

**These are minimum requirements, there may be other conditions that make a unit uninhabitable.**

## **Tenant's responsibilities**

A tenant must take reasonable care of the unit and the common areas. The tenant must keep the unit in good condition and repair all damages that he, his guests, children, or pets cause. The following is a list of the tenant's responsibilities:

- a. Keep the premises as clean and sanitary as the condition of the premises permits;
- b. Use and operate gas, electrical and plumbing fixtures properly;
- c. Dispose of trash and garbage in a clean and sanitary manner;
- d. Do not destroy, damage, or deface the premises, or allow someone else to do so;
- e. Do not remove any part of the structure, dwelling unit, facilities, equipment, or appurtenances, or allow someone else to do so;
- f. Use the premises as a place to live, and use the rooms for their proper and intended purposes.

If the tenant fails to perform these duties he may not be able to require the landlord to repair damage which causes the unit to be uninhabitable. Additionally, the tenant may not require the landlord to repair the premises if the tenant substantially interferes with the landlord's ability to repair.

## **LEGAL ASSISTANCE APPOINTMENTS:**

For an appointment to see a legal assistance attorney, please contact the Legal Assistance Office, located in Building 610, Naval Air Station North Island, by telephone at (619) 545-6278.

## **RESOURCES:**

California Department of Consumer Affairs: 1-800-952-5210,  
<http://www.dca.ca.gov>  
California Civil Code Sections 1941, 1941.2, 1941.3 and 1941.4